

Hailey Planning & Zoning Commission Meeting Minutes

October 4, 2010

6:29:06 PM Commission Chair Scanlon called the meeting to order.

Present: Commissioners Scanlon, Pogue, Lloyd, Johnstone, and Moore.
Director Robrahn, Assistant Engineer Zarubica, and Planning Assistant Mead.

Consent Agenda:

1. Approval of Minutes – September 20, 2010
2. Approval of Findings of Fact – Nelson's Auto Service Conditional Use Permit
3. Approval of Findings of Fact – Nelson's Auto Service Design Review Exemption

Commissioner Pogue moved to approve the Consent Agenda. Commissioner Johnstone seconded, the motion passed unanimously.

Unfinished Business:

Continuation of the public hearing upon standards associated with the implementation to the Complete Streets Plan including:

- City initiated text amendment to the Hailey Municipal Code to add a new title, Title 18 establishing procedures in compliance with Idaho Code Sections 67-6518 and 67-6509, establishing new street design standards, and adding infrastructure standard specifications and drawings.
- City initiated text amendment to the Hailey Subdivision Ordinance No. 821 to amend Section 1, amending the definition of City Standards to refer to those standards adopted by ordinance in Title 18 of the Hailey Municipal Code and amending Section 5 to refer to Title 18 of the Hailey Municipal Code for minimum infrastructure improvements.

6:31:14 PM Director Robrahn gave a brief review of the background for the benefit of the public and stated the focus of discussion for this meeting would be reviewing the standards.

- Impetus for Standard Update
- Legislative Process
- Long standing Hailey policies translated into Best Practice Standards
- History Fall 2008 – Fall 2010
- Hailey Complete Streets Plan
- Title 18 Development and Infrastructure
 - Role of Standards
 - Townsite Sidewalks
 - Considerations for Standards
 - Understanding tradeoffs when designing for pedestrians and bicyclists.
 - 18.04.010 Purpose

6:50:10 PM Commissioner Pogue asked Robrahn how the purpose on the slide corresponds with the purpose in our packet. Robrahn said it does not. She handed out updated language to the Commission for discussion.

6:53:43 PM Commissioner Pogue asked what were considered construction improvements.

6:54:55 PM Zarubica stated at the last meeting it was asked if a public works project was something that was requested by the public, or developers, private entities, and that is why City or privately funded was added to the purpose and applicability sections. He stated projects involving water, sewer, sidewalks, streets; these are traditional public works items that are covered by the State's Public Works Construction Standards.

6:55:43 PM Commissioner Pogue asked if someone had a bare lot in the City of Hailey and wanted to put in a driveway that would be in the public right-of-way, would that be considered as a privately funded infrastructure. Zarubica said or public works, they are sort of synonymous.

6:56:40 PM Director Robrahn said it is important for everyone to understand that there are requirements that are stated in either the Subdivision or the Zoning Ordinance for development. The subdivision ordinance is where the city requires the activity. The standards apply to the actual construction of the requirement. She said the standards themselves are not meant to require anything, they are meant to apply towards something that has been required.

6:57:31 PM Commissioner Scanlon mentioned it was said before that public works refers to sewer and water; does it also refer to sidewalks, curbs, and gutters. Robrahn said streets, water and sewer are public works projects. Scanlon asked if that was defined somewhere. Robrahn said it is not defined in this section but it may be defined in some other part of the Municipal Code. She said she could find out and if it is not then it should be defined. She quoted 18.04.012, "any construction of city funded or privately funded public works projects within the jurisdiction of the City of Hailey shall be in accordance with these procedures/standards". She suggested deleting "or infrastructure improvements required" because it is confusing and unnecessary language. Zarubica agreed.

Robrahn continued the presentation:

- New Subdivisions & Development
 - Updated standards will be applied to any new subdivision or development.
- Existing Residential Neighborhoods
 - No change is required with the update of the standards.
 - Standards will be referred to if/when an improvement project has been identified and funded.

7:01:29 PM Zarubica explained there are new drywell designs that have been in place for the last fifteen years but just because these new designs have been in the standards no one has been required to retrofit the drywell that already exists, unless it is worn out and it needs to be replaced, then the new standards kick in.

7:05:52 PM Commissioner Pogue said where it states the standards will be referred to, is it not really the standards shall be complied with. Director Robrahn replied yes.

7:06:15 PM Robrahn read the language in section 18.04.014, Exemption and 18.06.010, Public Street Project Design Procedure

7:11:43 PM Director Robrahn said an important point is that there is a noticing procedure for effected property owners and also notice the project in the paper for city funded projects.

7:13:28 PM Robrahn stated that she added B. Criteria to prioritize funding and then began review of 18.06.014 Street Design Standards.

7:17:14 PM Commissioner Pogue asked if baselines mean that you cannot provide any less space for a permitted use. Robrahn said not necessarily and that is where you would look at the exemption section.

7:20:44 PM Robrahn addresses each of the sections.

7:29:35 PM Commissioner Pogue asked if you could put a plan for parking in the baseline street standards. Robrahn stated you could and gave an example.

7:31:09 PM Commissioner Moore commented on the areas next to the parallel parking becoming just a dirt patch. He asked if the city will maintain that and how will that be watered. Robrahn said there is nothing planted there now. Moore said if someone did plant there did someone have the foresight to sleeve underneath the concrete to accommodate the future for irrigation. Robrahn stated that is why they are developing these standards.

7:37:24 PM Commissioner Pogue asked if the city would have the discretion to put in the perpendicular parking without meeting an extraordinary condition. She said the parking configuration could be modified based on neighborhood input.

7:39:02 PM Commissioner Moore said looking at a design that includes a bike lane and travel lane, should parallel parking even be considered. He questioned creating a standard for parallel parking that cannot be used 6 months out of the year because of snow plowing. Robrahn said that would be one of the issues that would need to be worked through.

7:44:33 PM Zarubica said he and Robrahn have discussed various trade offs, so a property owner could say they would like less planter and parking so it is not really an extraordinary circumstance, but fine tuning it to the reality of what the people in that vicinity want on their street.

Robrahn presented the remaining street designs.

7:54:42 PM **Public Hearing Opened**

7:55:07 PM **Dennis Keierleber** lives on Fourth Ave and applauds the effort for these standards for the streets but does not think they are quite right. He said the character of Hailey will not be the same with a driveway in the front yard. He said he does not like parallel parking especially in the winter time. Old Hailey was laid out to transition from horses to cars. He mentioned that Fourth Ave is used as a bypass street to Main St. He felt the Commission should spend more time to discourage traffic on Third and Fourth Avenues.

7:58:19 PM **Kevin Wallace**, 409 Second Ave South asked if traffic was measured there on Second Avenue at the elementary school and questions it being designated as a collector. He mentioned that it is the stretch between Pine and Elm to the school on Second Ave. He asked if the city ever considered actually making Second Ave a one-way street in that area. He spoke about how the sidewalk would end up being to his front porch and asked if the sidewalk could be moved closer to the street. He asked who determines exemptions and what the process is.

8:03:52 PM Zarubica said this is a long range plan. The city will not force anyone to do anything with their existing property.

8:05:35 PM Robrahn said this is not a plan, these are standards. She did not think that any changes would be planned for Third and Fourth Avenues.

8:07:31 PM Commissioner Moore and Director Robrahn gave examples of where developments were required to improve the streets without any consistent standards to follow.

8:10:30 PM **Jay Cone**, 651 El Dorado Lane said we all have to accept the fact that this will take a very long time and that is what makes it difficult for people and whenever this comes together that pieces will need to match. He said when each piece is done on Second Avenue eventually they will match up. He said he is interested in hearing what the other approach would be. He said the applicability clause seeks to define the term public works in private, and asked if that would take the place of the language in the design review section of the ordinance where it spells out by zone where sidewalks and improvements are required or is that meant to supplement that clause. Director Robrahn said it is meant to supplement and that language in the design review section is where the requirement occurs. She said and these are the standards that would apply to construct that requirement. Cone did not know if the language public works is needed there. He said in the past applicants have found holes in that language. He said he has never heard a frank discussion on property owners' rights with parking, and/or developing and/or improvements in the right-of-way. He is interested in this discussion because he feels this is the undertow of all of the oppositions. He asked if it was "grandfathered" that people have a right to park in the right-of-way permanently.

8:14:10 PM Robrahn stated she could answer this generally, not the code sections specifically, and explained there are parts of the code where the use of right-of-way is allowed for parking. She said generally speaking the city does provide for the use of the right-of-way but there are also property owners who have incorporated the right-of-way into their property with landscaping or driveways.

8:17:26 PM Cone said there is a contradiction there and mentioned the Citizens' Advisory Committee spoke about flexible plans versus non-flexible plans. He asked how very specific conditions could be addressed. He asked do these sections get altered not so much in dimensions but just locations; does the sidewalk go around the tree and then the landscape buffer comes in.

8:17:48 PM Robrahn said yes, the intent is to allow that, the issue is whether that is clearly written.

8:18:39 PM **Vanessa Fry**, Community Transportation Association of Idaho, District 4 Mobility Manager was glad to see the city providing safe routes for everyone. She did not know if existing structures are included in those exemptions and suggested to put some other examples in there that would not be such a hot button issue. She suggested not being so flexible that it does not mean anything.

8:20:08 PM **Peter Lobb**, 403 Carbonate St E said he has lived in old Hailey for 20 years. He feels these standards are implying that the streets are not safe. He feels the streets are safe in his opinion, why are we trying to solve a problem, that could be very expensive, that does not exist. He said it is ironic to say that we are going to pass these standards and they never will apply because we will never use them. He suggested before this is passed on to Council measuring old Hailey out and see how it works. He said some of these changes will create major problems for people. He said the alleys are a rat's nest itself in old Hailey and said the Mayor feels these changes will double the snow removal costs. He said there will be more push back from the residents of old Hailey because they like old Hailey the way it is. There are a lot of good things in this but he would suggest exempting old Hailey. He said the Council might throw the whole thing out.

8:24:15 PM **Helen Stone**, 314 First Ave and has lived here for 37 years; she had walked and driven the streets of Hailey and finds the streets completely safe. She said you have done an excellent job with this and has been beautifully worked out but she would hate to see this in old Hailey. She would hate to see her neighborhood paved and looking like a subdivision. She feels the problems are with the crosswalks.

8:25:16 PM **Julie Keierleber**, 119 Fourth Ave South said there has been a lot of work put into this and it seems to be very consistent but they need to look at practicalities; mail boxes, snow removal, etc. and feels this needs to be addressed before this moves on. She would be embarrassed to have something like this go forward without those discussions.

8:26:27 PM Cone encouraged the Commission to take the lead and that they should put these standards in place. He said instead of eliminating old Hailey he would like the Commission to ask staff to address some of the concerns they have; snow storage issues and ask for alternates so when this does go back to the Council it will have a greater chance.

8:27:42 PM **Tony Evans** is curious if there have been any studies on the impact on property values when the sidewalks come through. Can sidewalks curve around objects? Will there be a design standard for sidewalks, curb and gutter? The engineer said taking it block by block, case by case. He is unclear what the process will be. He referenced Robrahn's statement regarding the legal standard when there is funding, or when a big development comes in and could develop sidewalks. He is unclear of when these standards are to be put in place; he feels it would already affect property values. He asked if the timing for all of this to happen is really a century out. He wanted to know how to balance desires against a hand full of residents on the street who do not want it.

8:33:37 PM Robrahn addressed safety. She said residents' city wide have requested safer streets for pedestrians and bicyclists. She appreciated Cone and Fry's comments about not forgetting continuity over time. The point is to have standards that are consistently applied. These standards

will apply when improvements are required over the next 50 to 100 years. She said right now they are just trying to improve the current standards.

8:37:47 PM Stone said a lot of people have put in irrigation in the right-of-way which they know is not their property. She said if someone were to put in a sidewalk down Silver she would have to take out her whole station because that is where her main goes and she would have to do that. She said right now she is beautifying the City of Hailey by irrigating the right-of-way. She said to keep in mind what people will have to be doing; snow removal and cost of what ever they have to do.

8:39:19 PM Lobb said it is true; the people have no right to that land in old Hailey. He said do not ignore the political ramifications. He said the Commission does not need to worry about that but the City Council does and that is huge.

8:39:57 PM Evans said the City spells out some very specific requirements as for the use of the rights-of-way and for parking and suggested to the Commission to get to the bottom of this before pushing it forward.

8:40:56 PM Zarubica said there are currently seven blocks that have sidewalks on all four sides and two blocks that have sidewalks except for two lots. Robrahn asked the residents if it would be of value if there were resources spent to make those sidewalks more functional in terms of connecting them to the streets so you could actually cross and also in terms of pruning shrubs and trees that are overhanging.

8:42:21 PM Lobb said the sidewalks are un-usable right now and if someone falls down the city would get sued. He said if the individual has a sidewalk in front of their front door they may not like that. Some people do not like to walk on the sidewalk; they feel like they are in someone's house.

8:43:05 PM Evans said as a resident he sees the value of connecting sidewalks in old Hailey and also feels the limbs and trees in the right-of-way are a huge impediment to his desire to use the sidewalks.

8:43:33 PM D. Keierleber said walking in the streets in the winter time is a problem; there are some people who plow their sidewalks and it makes it really nice but if there is a 5 or 6 feet of a snow mound on the corner you cannot cross. He would support connecting sidewalks but feels the street department has to change how they pile snow on the corners.

8:45:15 PM Zarubica said safety has been discussed a lot and mentioned that this design is for the lowest mobility user; elderly, children, and handicapped. This is an important component of a Complete Streets Plan. He said there are several ways to deal with existing trees and mentioned there is no set time for these improvements.

8:47:28 PM **Public Hearing Closed**

Commissioner Johnstone moved to continue the public hearing upon the proposed amendments to the Subdivision Ordinance Sections 1 and 5 and the new Municipal Code Title 18 to November 1, 2010. Commissioner Moore seconded, the motion passed unanimously.

Director Robrahn asked the Commission for direction as to what she should work on.

8:50:08 PM Moore said to work on some of the definitions like public works, infrastructure.

8:50:30 PM Robrahn said she would extract some of the key elements to try to make it more clear how these standards are to be applied.

8:50:48 PM Pogue does not feel there are any disagreements heard here, and feels these are great standards to be applied for new developments and residents that are going in. He feels the resistance is the ideas of what Third Avenue should look like and this is what Elm Street should look like. He felt the term baseline was a little ambiguous. He has an issue with saying this is the way the street should look like and is going to look like this unless you qualify for some exemption and did not feel that was very workable. He picked up on some comments about "well you really do not have to worry about this because it is not going to happen" and said that was not their intent. He said Second Avenue is probably not going to look like this schematic here and he would not want it to look that way and if no one thinks it is going to look like that anyway then why should they have it. He said that meshes a little with the idea of how are we going to come up with a different way of presenting this.

8:52:28 PM Zarubica suggests working on the sections and define where the flexibility is in the design. He spoke about the sidewalks, parking, and landscaping.

8:53:54 PM Johnstone's pet peeve is trying to walk his dogs around in the winter; he walks in the street because the snow is all piled up and that is blinding to the cars coming around the corners very quickly. He feels they need to make allowances to have these sidewalks cleared.

8:55:36 PM Lloyd asked about the size and amounts of curb cuts that need to be addressed in this.

Staff Reports and Discussion:

Director Robrahn said the next meeting scheduled for the Commission is Oct 18th and stated there is not anything scheduled. She said the Council has chosen October 18th to go over the Comp Plan and asked the Commission if they could attend this meeting also.

9:00:13 PM **Commissioner Pogue moved to adjourn the meeting at** Commissioner Moore seconded, the motion passed unanimously.